

AGENDA

COMMITTEE ON BILLS ON SECOND READING

**November 22, 2005
Aldermen Lopez, Roy,
Sysyn, DeVries, O'Neil**

**6:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Lopez calls the meeting to order.

2. The Clerk calls the roll.

3. Ordinances:

“An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services.”

“An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of ‘Senior’ for ‘Elderly’.”

Ladies and Gentlemen, what is your pleasure?

4. Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Health Assistant) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Building Automation Specialist) of the Code of Ordinances of the City of Manchester.”

Ladies and Gentlemen, what is your pleasure?

5. Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”

Ladies and Gentlemen, what is your pleasure?

6. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

Ladies and Gentlemen, what is your pleasure?

7. Ordinance:

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

Ladies and Gentlemen, what is your pleasure?

8. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

Ladies and Gentlemen, what is your pleasure?

9. If there is no further business, a motion is in order to adjourn.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

32.104 Department of Senior Services.

- I. The Department of Elderly Services shall hereinafter be known and called the Department of Senior Services. The department head shall be known as the Director of Senior Services and the commission shall be known as the Senior Services Commission.
- II. This Ordinance shall take effect upon passage.

3

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of 'Senior' for 'Elderly'."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. An ordinance amending the ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 by substituting the word "Senior" for the word "Elderly" wherever it appears.
- II. This ordinance shall take effect upon passage.


To the Board of Mayor and Aldermen of the City of Manchester:

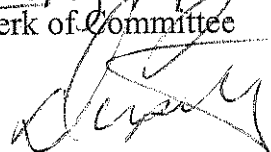
The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has reviewed and approved requests as follows:

- 1) Request of establishment of new class specification Health Assistant, salary grade 10;
- 2) Request of Public Works Director for establishment of new class specification and new position of Building Automation Specialist, salary grade 18.

and recommends same be referred to the Committee on Bills on Second Reading for technical review.


Respectfully submitted,



Clerk of Committee



At a meeting of the Board of Mayor and Aldermen
held Nov 15, 2005 on a motion of Ald. Garrity
Ald. Lopez seconded by Ald. Lopez the report
of the Committee was accepted and its recommendations

(adopted) (denied)


Paula Kang
City Clerk


Deputy

4
City of Manchester
New Hampshire

In the year Two Thousand and

Five

AN ORDINANCE

"Amending Sections 33.024, 33.025, & 33.026 (Health Assistant) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

SECTION 33.024 CLASSIFICATION OF POSITIONS be amended as follows:

Establish Health Assistant, Class Code 7063

SECTION 33.025 COMPENSATION OF POSITIONS be amended as follows:

Establish Health Assistant, Class Code 7063, Grade 10

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows

Establish Health Assistant, Class Code 7063, Grade 10
non-exempt

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101-4000
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



November 8, 2005

Alderman William Shea, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request for New Class Specification

Dear Alderman Shea and Members of the Committee:

On behalf of Fred Rusczek, Director, Health Department, I am requesting the establishment of a new class specification, Health Assistant. The salary grade for this position is a ten (10).

The purpose of requesting this new class specification is to provide the Health Department with the ability to hire individuals to work in the school health offices during peak times of the school year. The individuals would only be hired to work per diems and as such, there will be no expenses other than the actual hours paid for time worked. Funding for the hours worked would be paid for by the school system.

Your favorable approval of this class specification would be greatly appreciated. A copy of the class specification is attached for your information and review.

Respectfully submitted,

Virginia A. Lamberton
Human Resources Director

Cc: Director Rusczek

Attachment

4
DRAFT



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Health Assistant
Class Code Number	7063-10

General Statement of Duties

Assists the school nurses, with a goal of enhancing the public health and well being of students within the school setting through health promotion and disease prevention. Performs a variety of basic first aid and administrative duties in a school environment; performs directly related work as required. The position is school-term, involving 39 weeks of work at 20 hours per week.

Distinguishing Features of the Class

The principal duties of an employee in this class is to assist with basic first aid care and health screenings for school age children, in addition to administrative duties within a school environment. The work is performed under the general supervision of a registered nurse or licensed practical nurse. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with school nurses, students, parents, school staff, and the general public.

Examples of Essential Work (illustrative only)

- Provides basic first aid care to school-age children in the school and community health setting;
- Completes school health screenings and refers abnormal findings to the school nurse;
- Collects data for school health nurse and public officials;
- Completes basic first aid tasks for individual students under the request and direction of the school nurse;
- Provides basic first aid and emergency care as needed;

4

- Maintains records and documentation relating to school health screenings as required;
- Maintains student confidentiality as required by nursing practices and federal regulations;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Some knowledge of applicable Federal, State and municipal laws, regulations and policies relating to school nursing and public health;
- Skill in first aid administration;
- Some knowledge of health instruction and health promotion;
- Some knowledge of principles of school health services;
- Skill in the use and operation of medical apparatus, equipment and screening instruments;
- Some knowledge of information systems and hardware;
- Ability to organize, set priorities and respond to needs of students and staff in a flexible manner;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from high school; and
- Some experience in health-related field; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- Current certificate in CPR/AED and First Aid

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to monitor assigned areas;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate a vehicle;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to all areas of the City.

Approved by: _____ Date: _____

City of Manchester
New Hampshire

In the year Two Thousand and five

AN ORDINANCE

“Amending Sections 33.024, 33.025 & 33.026 (Building Automation Specialist) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Building Automation Specialist

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Building Automation Specialist, Grade 18, exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5041, Building Automation Specialist (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101-4000
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



November 15, 2005

Alderman William Shea, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request for New Classification and New Position

Dear Alderman Shea and Members of the Committee:

On behalf of Frank Thomas, Public Works Director and Tim Clougherty, Chief Facility Engineer, I am requesting the establishment of a new class specification and a new position. The title of the class specification is Building Automation Specialist, salary grade 18. I am attaching a copy of the proposed class specification for your review and consideration.

The purpose to this new position will be to ensure facility management computer applications operate in assisting the maintenance of building controls to ensure that performance is at the optimum level. The individual in this position will be responsible for developing programs to optimize and manage facility management systems, building automation, life safety and other associated control systems in order to control comfort, safety, energy and productivity within multiple types of facilities. He/she will also be responsible for creating and modifying software programs designed to optimize and operate mechanical equipment and systems associated with establishing and maintaining a quality building environment; designing and implementing electrical and electronic controls to ensure proper operations; developing and managing programs for ongoing calibration of controls and sensors; managing system software and identify cause of FMS system failures and initiate corrective processes in a timely manner, etc. etc.

Attached to this letter is a proposed class specification as well as an organizational chart.

Your favorable approval of this request would be greatly appreciated.

Very truly yours,

Virginia A. Lamberton
Human Resources Director

Attachments

DRAFT



4

City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Building Automation Specialist
Class Code Number	5041-18

General Statement of Duties

Manages and supervises facility management computer operations, systems analysis, building controls and related functions within City buildings; performs directly related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to ensure facility management computer applications operate in service to City buildings, assisting in maintaining building controls and optimum performance levels. The work is performed under the supervision and direction of an assigned supervisor but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors, technical vendors and the public. The principal duties of this class are performed in both a general office environment as well as various indoor and outdoor work areas.

Examples of Essential Work (illustrative only)

- Develop programs to optimize and manage facility management systems (FMS), building automation, life safety and other associated control systems in order to control comfort, safety, energy and productivity within multiple types of facilities;
- Create and modify software programs designed to optimize and operate mechanical equipment and systems associated with establishing and maintaining a quality building environment;

- Design and implement electrical and electronic controls to ensure proper operation;
- Develops and manages program for ongoing calibration of controls and sensors;
- Manage system software and identify the cause of FMS system failures and initiate corrective processes in a timely manner;
- Manage and coordinate repairs and communicate problems with telecommunications systems and networked operations that are maintained by other City departments tasked with that responsibility;
- Create system update procedures, data backup and program loading, as required;
- Manage comfort complaints, performs necessary system program adjustment and develop design for mechanical devices to increase comfort levels;
- Create reports which track energy usage, equipment status, building condition and other building operation information from data produced by preventive maintenance procedures, trend logs and other reference sources;
- Develop and implement system modifications to optimize energy and operational usage with a goal of minimizing customer costs while maintaining occupant comfort to an acceptable level;
- Develop operating logs, records and necessary manuals and other reference sources;
- Recommend and implement additional opportunities to save energy or operational dollars through application of division capabilities;
- Evaluate and recommend new hardware and software solutions
- Manage and implement on-site maintenance and trouble shooting for FMS hardware, software and network connections;
- Provide technical advice and assistance to other department staff as may be appropriate;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities
(at time of appointment)

- Comprehensive knowledge of the operation and maintenance of building systems and controls;
- Comprehensive knowledge of facility management software programs, systems and procedures;
- Thorough knowledge of HVAC systems, including testing, installation, repair and maintenance or demonstrated ability to acquire knowledge through training programs;

- Thorough knowledge of current FMS program diagnostics;
- Substantial knowledge of operating systems and networks;
- Knowledge of office terminology, procedures and equipment;
- Thorough knowledge in operating a personal computer using customized software applications appropriate to assigned tasks;
- Ability to diagnose and correct FMS system and network operation problems;
- Ability to perform program and system maintenance updates;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from an accredited college or university with an Associate's degree in HVAC, Engineering studies or a related field; and
- Considerable experience with facility management systems and the operation and maintenance of mechanical equipment and systems associated with the building environment; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

- Valid New Hampshire Driver's License;

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to provide on-site maintenance and trouble shooting for FMS hardware, software and network connections;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to perform complex testing and repair work;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to have access to various work conditions within buildings.

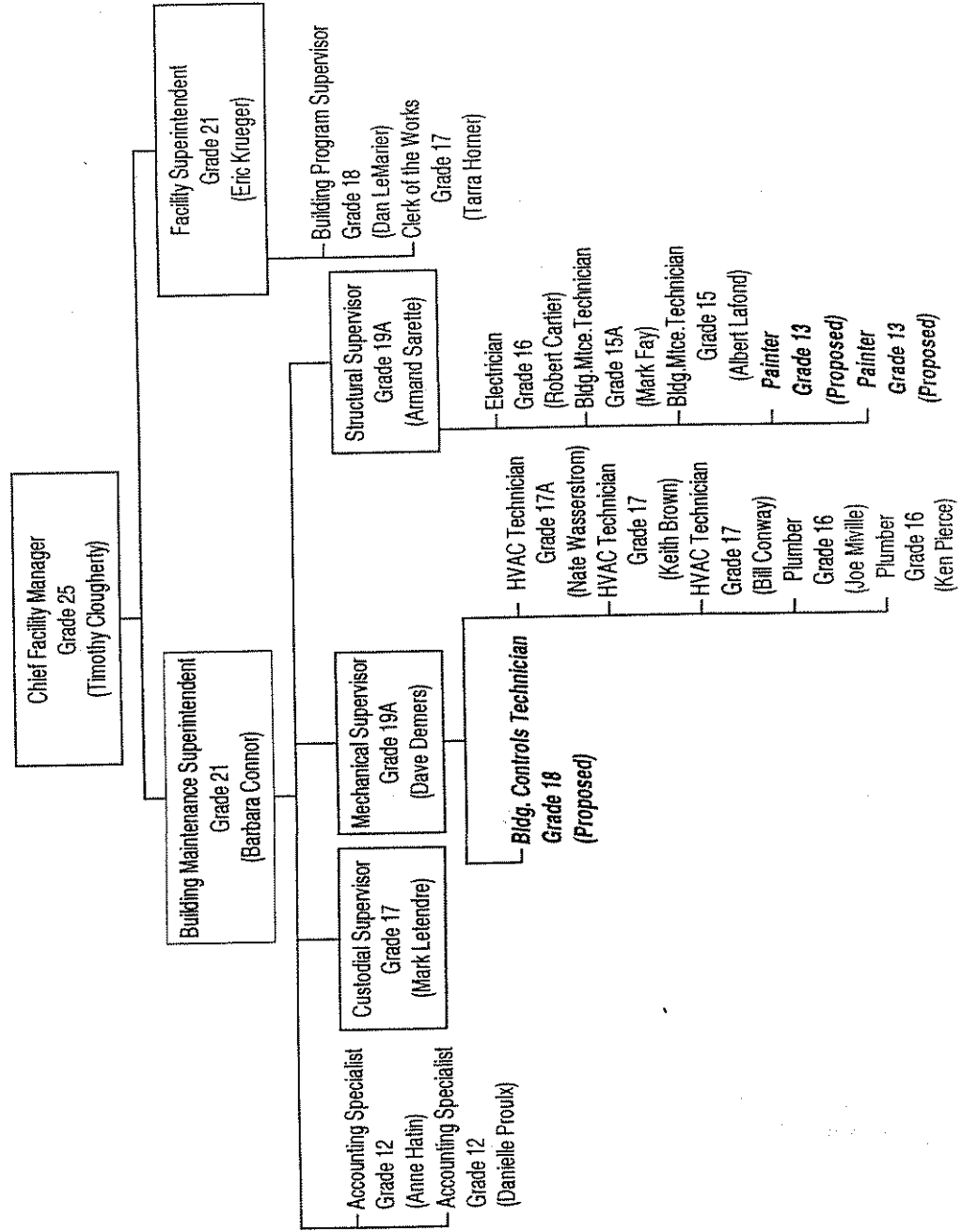
4

Building Automation Specialist -

Approved by: _____ Date: _____

Department of Highways

Facilities Division - Proposed New Job Classes



5

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has approved Ordinance:

"Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester."

providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review. The Committee further recommends that the issue of enforcement authority for this position be worked out with the Solicitor's Office and City staff.

(Aldermen Shea, Sysyn, Garrity and Forest voted yea; Alderman DeVries voted nay.)

Respectfully submitted,

L. N. Bernier

Clerk of Committee

L. N. Bernier
City Clerk

At a meeting of the Board of Mayor and Aldermen
held Oct. 4, 2005 on a motion of Ald. Shea
duly seconded by Ald. Thibault the report
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

5

To the Board of Mayor and Aldermen of the City of Manchester:

The Special Committee on Solid Waste Activities respectfully advises, after due and careful consideration, that it has approved Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”

providing for the establishment of a new class specification, Solid Waste Compliance Officer, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Aldermen Roy, Thibault, Forest and O’Neil voted yea; Alderman Guinta voted nay.)

Respectfully submitted,

Lu N. Bernier

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen
held Oct. 4, 2005 on a motion of Ald. O’Neil
duly seconded by Ald. Smith the report
of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

Lu N. Bernier
City Clerk

5
City of Manchester
New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinance of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Solid Waste Compliance Officer

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Solid Waste Compliance Officer, Grade 15, non-exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5611, Solid Waste Compliance Officer. (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.



City of Manchester, New Hampshire

Draft Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

Class Title	Solid Waste Compliance Officer
Class Code Number	5611-15

General Statement of Duties

Performs inspections and enforcement work relating to compliance with City Health and Sanitation Ordinances and City Health and City Highway Solid Waste Regulations; performs directly related work as required

Distinguishing Features of the Class

The principal function of an employee in this class is to ensure adherence to existing City Ordinances relating to Health and Sanitation and to City Regulations. The work is performed under the supervision and direction of the Chief of Street Operations, Assistant Chief of Street Operations as well as the Refuse superintendent but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establishes and maintains effective working relationships with other City employees, representatives of the Manchester Health Department and Building Department, and the public. The principal duties of this class are performed in both an indoor and outdoor work environments requiring access to all areas of the city

Examples of Essential Work (illustrative only)

- Inspects, investigates and enforces City Health and Sanitation Ordinances and Regulations;

- 5
- Inspects, investigates and enforces City Highway Department Solid Waste Regulations;
 - Interprets and applies applicable ordinances and regulations;
 - Coordinates enforcement actions between the Health Department, Housing Code, Building Department and others;
 - Patrols city streets and alley ways and monitors activity to identify violations of applicable ordinances and regulations and takes appropriate actions to deal with the situation, including, issuing written warnings, issuing citations or rectifying the situation through a dialogue with all parties involved as warranted;
 - Receives complaints, researches ownership of property and records and performs inspections and conducts reexaminations to ensure any situation has been rectified
 - Prepares documentation to assist the City's legal Department in the prosecution of violators
 - Observes violations, takes pictures, issues notices, counsels code violators, prepares case files, pursues legal remedies, and oversees remedial actions for non-compliant properties;
 - Maintains thorough and accurate records of inspections activities;
 - Testifies on behalf of the City on legal proceedings
 - Responds to request for information from the public and neighborhood organizations on codes issues;
 - Reports possible violations outside of area of authority to the proper City Department or outside agency;
 - Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
 - Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
 - Participates at public meetings on solid waste compliance issues;
 - Responds to citizens' questions and comments in a courteous and timely manner;
 - Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
 - Performs other directly related duties consistent with the role and function of the classification.

**Required Knowledge, Skills and Abilities
(at time of appointment)**

- Thorough knowledge of local and State codes, ordinances and regulations relating to health, sanitation and solid waste;
- Thorough knowledge of the codes relating to acceptable materials, policies and procedures;
- Ability to read and interpret local and State ordinances and regulations;
- Knowledge and ability to recognize and properly address hazardous materials and/or public health related materials in solid waste;

- 5
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
 - Ability to understand and follow oral and/or written policies, procedures and instructions;
 - Ability to prepare and present accurate and reliable reports containing findings and recommendations;
 - Ability to operate or quickly learn to operate a personal computer using standard or customized software applications appropriate to assigned tasks;
 - Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
 - Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
 - Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
 - Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School or completion of GED; and
- Some experience in related Sanitation and Refuse operations; or
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities necessary to perform the work.

Required Special Qualifications

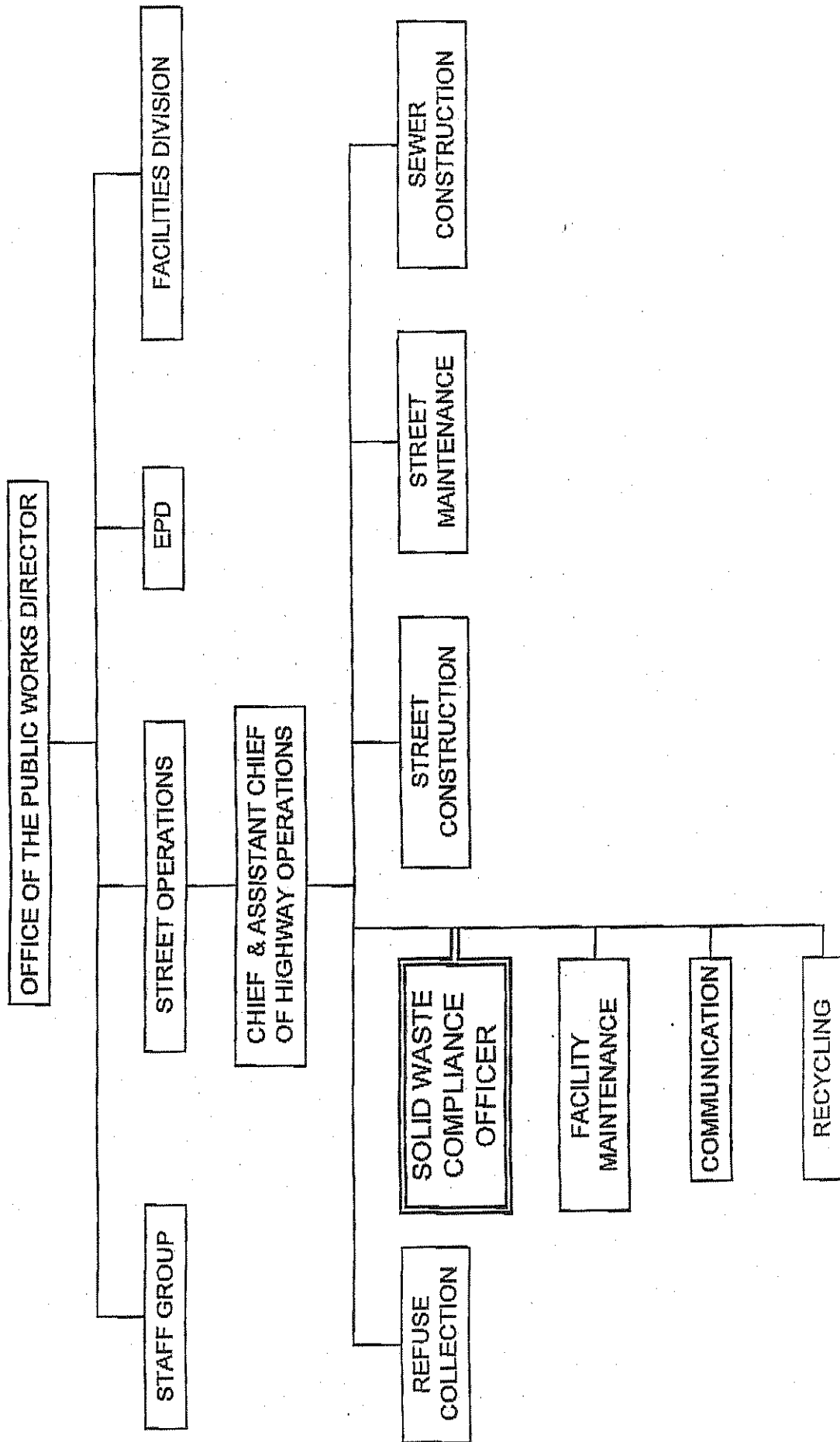
- Valid New Hampshire Driver's License.
- Level 2 Solid Waste Facility License

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to inspect residences for code requirements;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate testing instruments as necessary;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to move about residences and other buildings as necessary to perform inspections.

Approved by: _____ Date: _____

DEPARTMENT OF PUBLIC WORKS ORGANIZATIONAL CHART





CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101-4000
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065



September 6, 2005

Alderman Bill Shea, Chairman
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request to Establish New Position

Dear Alderman Shea and Members of the Committee:

On behalf of Frank Thomas, P.E., Director, Highway Department, I am requesting the establishment of a new position and a new class specification. It is my understanding that the Aldermanic Solid Waste Committee recommended the establishment of this position.

According to Director Thomas, it is envisioned that his position will take the lead in coordinating compliance and enforcement actions relating to solid waste that are now covered by various departments on a complaint/problem basis. This position will be looking for violators of ordinances and regulations regarding solid waste. Further, it is envisioned that this position will identify hazardous materials in the waste stream such as asbestos. Additionally, this position will identify bug infestations in household materials to minimize exposure to collection crews. When appropriate and necessary, this position will also issue citations. He/she will be required to testify at legal proceeding as needed. The incumbent that is selected to fill this position will need to have excellent communications skills, a calm disposition and the ability to maintain good relations with residents.

Mr. Thomas provided this office with a draft class specification for our review and analysis. In addition to that, Christine Martinsen discussed the duties and responsibilities that are proposed as well as what the minimum requirements would be to be considered for this position. After reviewing this information and comparing the duties to other class specifications, I have determined that this position should be set at a salary grade 15. The Highway Department compared this proposed class specification with current classifications such as Zoning Inspector, salary grade 18, Building Inspector, salary grade 18, and Utility Inspector I, salary grade 17. In addition to those class specifications, I have compared the proposed position to other classifications at Highway as well as at other departments.

September 6, 2005

The proposed class specification for Solid Waste Compliance Officer states that one must possess a high school diploma or GED and some (three months) experience in related sanitation or refuse operations. In addition, the incumbent would be required to have a Level II Solid Waste Facility License. The class specs that Highway has compared this class spec to require a higher level of knowledge and specialized experience. For examples, the Building Inspector class specification requires an Associates Degree in Construction Technology as well as experience in construction and building inspections. He/she must also be certified as a Building Inspector. A Zoning Inspector must be licensed by the State and also have specific experience in inspection operations. The Utility Inspector I class specification requires considerable experience (five to six years) in construction projects as well as graduation from high school. A class specification that Highway did not consider would be that of an Animal Control Officer II, salary grade 15. The level of the duties and responsibilities that are assigned to this classification are quite similar to those that are being discussed here today. For example the specification requires that the incumbent have a high school diploma or GED and some (three months) experience in an animal related field, some public contact experience and some law enforcement experience. An incumbent is required to enforce local and state ordinances and laws, investigate complaints and issue citations as necessary, to work in distasteful circumstances, testify in court as necessary, etc. etc. The level of the duties that are proposed for the Solid Waste Compliance Officer class specification are very close to the level of duties that have been established for the Animal Control Officer class specification.

Therefore, I am requesting that you authorize the establishment of a new position and a new class specification of Solid Waste Compliance Officer at salary grade 15.

I am attaching a copy of the draft class specification as well as an organization chart.

Your favorable approval of these requests would be greatly appreciated.

Respectfully submitted,



Virginia A. Lamberton
Human Resources Director

Attachments

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

CHAPTER 54: STORM WATER

Section

- 54.01 Purpose
- 54.02 Definitions
- 54.03 Administration
- 54.04 Prohibited discharges
- 54.05 Permit procedures and requirements
- 54.06 General Permit Provisions
- 54.07 Eligibility
- 54.08 Waivers
- 54.09 Storm water design and management standards
- 54.10 Industrial activity discharges
- 54.11 Access and inspection of properties and facilities
- 54.12 Notification of accidental discharges and spills
- 54.13 Violations, enforcement and penalties

§ 54.01 PURPOSE.

The purpose of this chapter is to:

- (A) Protect, maintain, and enhance the environment of the City of Manchester, New Hampshire and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City.
- (B) Enable the City of Manchester to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR §122.26 for storm water discharges.
- (C) Allow the City of Manchester to exercise the powers granted by the State of New Hampshire through ordinance or resolution to:
 - (1) Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the City, whether or not owned and operated by the City;

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
- (3) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
- (4) Review and approve plans for storm water management in proposed subdivisions or commercial developments;
- (5) Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
- (6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
- (7) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- (8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

§54.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST MANAGEMENT PRACTICES. Physical, structural, and/or managerial practices that, when used individually or in combination, prevent or reduce pollution of water, that have been approved by the City of Manchester, and that have been incorporated by reference into the Storm Water Rules & Regulations as if fully set out within Section 6: Storm Water System Design and Management Standards of the Storm Water Rules & Regulations.

COMBINED SEWER DRAINAGE SYSTEM. A single pipe conveyance system intended to receive both sewage and storm or surface water.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

DEPARTMENT OF HIGHWAYS. The Highway Division of the City of Manchester and associated departments including, but not limited to, the Environmental Protection Division (EPD).

DIRECTOR OF PUBLIC WORKS. The Chief Administrator of the Department of Public Works who is authorized to assign Public Works staff to oversee the implementation of the Storm Water Rules & Regulations and the City of Manchester's Storm Water Ordinance.

DISCHARGE. Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked or placed by any means including any direct or indirect entry of any solid or liquid matter into the Municipal Separate Storm Sewer System.

ILLICIT CONNECTIONS. Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. "Illegal Connection" means either of the following:

(1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any discharge to the Municipal Separate Storm Sewer System that is not composed entirely of storm water and not specifically exempted under Section 2(J) of the Storm Water Rules & Regulations.

LAND DISTURBING ACTIVITY. Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling and excavation.

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4). The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

PERSON. Any and all persons, including any individual, firm or association and any city or private corporation organized or existing under the laws of this or any other state or country.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; sediment; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

POLLUTION. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STATE WATERS. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of New Hampshire which are not entirely confined and retained completely upon the property of a single person.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

STORM WATER. Storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

STORM WATER APPEALS COMMITTEE. A three-member committee consisting of a Highway Commissioner, an engineer from a private engineering firm and an engineer from the Department of Highways.

STORM WATER MANAGEMENT. The programs to maintain quality and quantity of storm water runoff to pre-development levels.

STORM WATER MANAGEMENT FACILITIES. The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

STORM WATER MANAGEMENT PLAN. The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, Best Management Practices, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan that clearly describes appropriate control measures that include a description of all pollution control measures (i.e., Best Management Practices) that will be implemented as part of the construction activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site.

STORM WATER RULES & REGULATIONS. A supplement to the Storm Water Ordinance that includes additional conditions and requirements. Copies are available at the Department of Highways and the Office of the City Clerk.

STORM WATER RUNOFF. Flow on the surface of the ground, resulting from precipitation and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER UTILITY. The Department of Highways and its duly authorized agents created by ordinance of the City to administer the Storm Water Management Ordinance, and other Storm Water Rules and Regulations adopted by the City.

STRUCTURAL BEST MANAGEMENT PRACTICES. Devices that are constructed to provide control of storm water runoff.

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

STRUCTURAL STORM WATER CONTROL. A structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

§ 54.03 ADMINISTRATION.

The Director of the Department of Highways or his designee shall administer the provisions of this ordinance and is hereby authorized to promulgate and amend such rules and regulations as may be necessary and convenient to effectuate the purposes and requirements of this ordinance.

§ 54.04 PROHIBITED DISCHARGES.

The specific prohibited discharges outlined in the Storm Water Rules & Regulations are not inclusive of all discharges prohibited by this ordinance and the Storm Water Rules & Regulations.

§ 54.05 PERMIT PROCEDURES AND REQUIREMENTS.

(A) *Permit Required* - No land owner or land operator shall begin any site work on any building(s), grading or other land development or any land disturbance activities as outlined in Section 3: of the Storm Water Rules & Regulations) without first submitting a Notice of Intent to EPA Region I. Owner must also have received acknowledgement, have an approved Storm Water Pollution Prevention Plan and meet the requirements of this ordinance.

(B) *General Waiver Requirement.* - Every applicant shall provide for storm water management as required by this ordinance and the Department of Highways Storm Water Rules & Regulations unless a written request is filed to waive this requirement. Requests to waive the Storm Water Management Plan requirements shall be submitted to the Department of Highways for approval.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) *Application Requirements* - Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity (as described in Section 4 of the Storm Water Rules & Regulations) shall secure required approvals through the City of Manchester's Planning Board and shall submit to the Department of Highways a copy of the Notice of Intent and approved Storm Water Pollution Prevention Plan for related project before beginning any site clearing or construction.

Unless otherwise excepted by this ordinance, a permit application must be accompanied by required information as outlined in the Storm Water Rules & Regulations in order that the permit application be considered.

The Storm Water Management Plan shall be prepared to meet the requirements of the City of Manchester's Storm Water Rules & Regulations and any required maintenance agreement shall be prepared to meet those requirements. Any and all fees shall be those established by the Department of Highways.

(D) *Application Review Fees* - The fee for review of any land development application shall be set by the Director of Public Works and set forth in the Storm Water Rules & Regulations. Fee shall be made prior to the issuance of any building permit for the development.

§ 54.06 GENERAL PERMIT PROVISIONS.

(A) *Land Disturbance permits when required* - Every owner/operator will be required to obtain an EPA General Permit from the EPA through a Notice of Intent in the following cases:

- (1) Land disturbing activity disturbs one (1) or more acres of land;
- (2) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land;
- (3) Land disturbing activity of less than one (1) acre of land, if in the discretion of City of Manchester such activity poses a unique threat to water, or public health or safety;
- (4) The creation and use of borrow pits (the excavation of soils from one area to be used in another area that would meet any of the criteria of 1, 2, or 3 above).

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 54.07 ELIGIBILITY.

(A) *Permit Eligibility* - Permit eligibility is limited to discharges from "large" and "small" construction activity or as otherwise designated by the EPA. This general permit contains eligibility restrictions, as well as permit conditions and requirements. Permittee may have to take certain actions to be eligible for coverage under this permit. In such cases, permittee must continue to satisfy those eligibility provisions to maintain permit authorization. If permittee does not meet the requirements that are pre-condition to eligibility, then the resulting discharges constitute unpermitted discharges. By contrast, if permittee does not comply with the requirements of the general permit, permittee may be in violation of the general permit for their otherwise eligible discharges.

(B) Combined Sewer Drainage Systems Discharges from "large" and "small" construction activity or as otherwise designated by the EPA that flow into a combined sewer system are not covered by the EPA's Phase II Storm Water Program. A Notice of Intent does not need to be submitted to the EPA nor does the owner/operator have to receive acknowledgement from the EPA prior to the start of construction activity.

The City of Manchester is requiring in these instances that all other conditions as outlined in this ordinance or the Storm Water Rules and Regulations shall apply to all construction activity as defined in Section 4 of the Storm Water Rules & Regulations, with the exception of submitting the Notice of Intent to EPA Region I. The requirements for determination of no impact status as outlined in the Endangered Species Act and Historic Preservation Act along with the completion of a Storm Water Pollution Prevention Plan as outlined in the Notice of Intent submission is still a mandatory submission to the City of Manchester and must follow the conditions as outlined in the EPA's Notice of Intent.

§ 54.08 WAIVERS.

Every applicant shall provide for Storm Water Management as required by the Storm Water Rules & Regulations, unless a written request is filed to waive this requirement. Requests to waive the Storm Water Management Program requirements shall be submitted to the Director of Public Works for approval.

§ 54.09 STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS.

The City adopts as its storm water design and Best Management Practices manual those publications referenced in Section 6: Storm Water System Design and Management Standards of the Storm Water Rules & Regulations

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 54.10 INDUSTRIAL ACTIVITY DISCHARGES.

All operators of City landfills, hazardous waste treatment, disposal, and recovery facilities and industrial facilities are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, USC § 11023, and industrial facilities that the City determines are contributing a pollutant load to the Municipal Separate Storm Sewer System, which are sources of storm water discharges associated with industrial activity shall comply with the requirements outlined in the City's Storm Water Rules & Regulations.

§ 54.11 ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.

(A) The representative of the Department of Highways shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

(B) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Department of Highways.

(C) The owner or operator shall allow the representative of the Department of Highways ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of a National Pollutant Discharge Elimination System Permit to discharge storm water.

(D) The Department of Highways shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Department of Highways to conduct monitoring and/or sampling of flow discharges.

(E) The Department of Highways may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Department of Highways. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(F) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Department of Highways and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

§ 54.12 NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-storm water discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into storm water, the City of Manchester's separate storm sewer system, State Waters, or Waters of the U.S., said person shall immediately notify the Department of Highways and take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

§ 54.13 VIOLATIONS, ENFORCEMENT AND PENALTIES.

(A) Unreasonable delays in allowing the Department of Highways access to a facility shall be a violation of this ordinance.

(B) If the Department of Highways has been refused access to any part of the premises from which storm water is discharged, and the Department of Highways is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department of Highways may seek issuance of a search warrant from any court of competent jurisdiction.

(C) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of the City's Storm Water Ordinance or the Storm Water Rules & Regulations. Any person who has violated or continues to violate these provisions may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Department of Highways is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department of Highways is authorized to seek costs of the abatement (as outlined in Section 10(E) of the Storm Water Rules & Regulations).

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(D) Whenever the Department of Highways finds that a violation of this ordinance or the Rules and Regulations has occurred, the Public Works Director or designee may order compliance by written Notice of Violation. The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the Department of Highways Storm Water Appeals Committee by filing a written notice of appeal within five (5) days of service of notice of violation.

(E) Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges and illegal connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs; and,
- (6) The implementation of pollution prevention practices.

6

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(F) *Appeal of Notice of Violation* - Any person receiving a Notice of Violation may appeal the determination of the Department of Highways. The appeal must be received within five (5) days from the date of the Notice of Violation. Filing of an appeal does not relieve the owner from full compliance with the remedial actions outlined in the Notice of Violation. Hearing on the appeal before the Department of Highways, Storm Water Appeals Committee shall take place within thirty (30) days from the date of receipt of the appeal. The decision of the Storm Water Appeals Committee shall be final.

(G) *Enforcement Measures After Appeal* - If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the Department of Highways may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(H) *Costs of Abatement of the Violation* - Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within five (5) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City of Manchester by reason of such violation.

(I) *Civil Penalties* - In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within two (2) days, or such greater period as the Department of Highways shall deem appropriate, after the Director of Public Works or designee has taken one or more of the actions described above, the Public Works Director may impose a penalty not to exceed \$10,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works."

6

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

(J) *Criminal Penalties* - For violations of this ordinance or the Storm Water Rules & Regulations, the Director of Public Works may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 for each day the violation has occurred, or imprisonment for up to sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(K) *Remedies Not Exclusive* - The remedies listed in this ordinance and the Storm Water Rules & Regulations are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Manchester may seek cumulative remedies including but not limited to the recovery of attorney's fees, court costs, sampling and monitoring expenses and other expenses associated with enforcement of this ordinance.

7

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration, that they have approved an Ordinance:

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

and recommends that same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,

Meeting of the Board of Mayor and Aldermen
held 10/18/05 on a motion of Ald. O'Neil
duly seconded by Ald. Smith the report
of the Committee was accepted and its recommendations

L. H. Bernier

Clerk of Committee

(adopted) (denied)

Johnson
City Clerk
W. J. [unclear]

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Deleting Sections 70.61 Emergency Declaration; 70.62 Temporary Prohibition; 70.63 Special Prohibition; 70.64 Declarations and Prohibitions to Take Precedence and 70.65 Violations of Chapter 70: Motor Vehicles and Traffic.
- II. Amending Chapter 71: Snow Emergency by deleting language stricken (—) and inserting new language in *italics*.

Section

71.01 Short title

71.02 Definitions

~~71.03 Winter parking~~

71.04 Parking on ~~snow emergency routes~~ *city streets*

71.05 Declarations of the Director

71.06 Termination of parking prohibition by Director

71.07 Provisions temporarily effective to take precedence

71.08 Signs to mark snow ~~emergency routes~~ *removal and temporary parking prohibition*

71.09 Removal, impounding, and return of vehicles

71.10 Citation on vehicle left parked in violation of this chapter

71.11 Failure to comply with traffic citation

71.12 Evidence with respect to vehicles in violation

71.13 Overnight winter parking

71.14 Impoundment

71.99 Penalty

Cross-reference:

Snow removal, see § 70.61 et seq.

§ 71.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Snow Emergency Ordinance” of the city.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 71.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECTOR. The Public Works Director, or in his absence, his duly designated and acting representative.

~~**SNOW EMERGENCY ROUTES.** Those streets designated herein.~~

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

~~§ 71.03 WINTER PARKING.~~

~~It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked on any public street or highway hereinafter defined as a “snow emergency route” between the hours of 7:00 a.m. and 11:00 p.m., between the period of November 15 and May 15 in each succeeding year.~~

~~§ 71.04 PARKING ON SNOW EMERGENCY ROUTES CITY STREETS.~~

(A) Whenever the Director finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service, of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the Director shall ~~put into effect a~~ *declare a snow emergency. Such declaration shall be effective to prohibit the parking of any vehicle on all or some city streets, parking facilities and schoolyards as described in the declaration, parking prohibition on parts of or all snow emergency routes as necessary by declaring it in a manner prescribed by this chapter.*

(B) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Director in accordance with this chapter, ~~except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom.~~ While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a ~~snow emergency route~~ *City street* to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 71.05 DECLARATIONS OF THE DIRECTOR.

(A) The Director shall cause each declaration made by him pursuant to this chapter to be publicly announced by means of broadcasts or telecasts from a station or stations with a normal operating range covering the city, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Director, including the time it became or will become effective, and shall specify the streets or areas affected.

(B) The Director shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

§ 71.06 TERMINATION OF PARKING PROHIBITION BY DIRECTOR.

Whenever the Director shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this chapter no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this chapter, effective immediately upon announcement.

§ 71.07 PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.

Any provision of this chapter which becomes effective by declaration of the Director shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

§ 71.08 SIGNS TO MARK SNOW EMERGENCY ROUTES REMOVAL AND TEMPORARY PARKING PROHIBITION.

~~(A) Signs reading, “Emergency. No Parking. Snow Removal.” will be posted along the routes that will have snow removed.~~

(A) If no declaration is in effect but the Director determines that any street or portion thereof requires sanding, salting or snow removal, he may establish a temporary parking prohibition for that purpose. Any such prohibition shall be advertised by temporary signs placed on the street(s) involved.

(B) If, as a result of one or more storms, the Director determines that snow has accumulated to a point that creates a hazard, he may establish a special prohibition limiting parking to one side of a street or prohibiting it entirely. When parking is limited to one side, such parking shall only be permitted on the odd-numbered side of the street, unless an existing ordinance, rule or regulation establishes parking only on the even-numbered side of that street. On such streets or portions thereof, the existing regulation shall take precedence.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) A special parking prohibition may be established on a city-wide basis for any district or area of the city, or for any street or portion thereof. Any such prohibition shall be advertised as required for an emergency declaration. Additionally, on any street located within the central business district that is affected by the prohibition, temporary signs prohibiting parking shall be erected. Special prohibitions shall be terminated when the unsafe condition has abated and, in no event, shall extend beyond May 15th following its Manchester, NH Code of Ordinances establishment.

§ 71.09 REMOVAL, IMPOUNDING, AND RETURN OF VEHICLES.

Removal, impounding, and return of vehicles shall be handled in the same manner as set forth in §70.70 et seq., which is incorporated herein by reference.

§ 71.10 CITATION ON VEHICLE LEFT PARKED IN VIOLATION OF THIS CHAPTER.

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded as provided for in this chapter, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Police Department, for the driver to answer to the charge against him within 24 hours during the hours and at a place specified in the citation.

§ 71.11 FAILURE TO COMPLY WITH TRAFFIC CITATION.

If a violator of this chapter does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this chapter within a period of 24 hours, the clerk of the traffic court or other appropriate person shall issue a warrant of arrest.

§ 71.12 EVIDENCE WITH RESPECT TO VEHICLES IN VIOLATION.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this chapter, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this chapter.

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 71.13 OVERNIGHT WINTER PARKING.

(A) It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked said vehicle on any public street or highway between the hours of 1:00 a.m. and 6:00 a.m. during the period of November 15th and May 15th except as noted in divisions (B), (C) and (D).

(B) No person shall park or leave a vehicle parked on streets between the hours of 1:00 a.m. and 6:00 a.m. of any day except that persons may park or leave vehicles parked on even house numbered sides of such streets on even-numbered days of each calendar month, and on odd numbered sides of streets on odd-numbered days of each calendar month.

(C) On streets where one side only of an entire block is so posted against parking that the effect is to prohibit parking during the hours of 1:00 a.m. and 6:00 a.m. every day, the provisions of division (B) shall not apply to the side of the street directly opposite the side where parking is so prohibited, and parking shall be permitted on such opposite sides of the street unless such parking is otherwise specifically prohibited.

(D) Nothing in this section shall be construed so as to permit any vehicle to be parked or to be left parked on any street or public way so as to interfere with or hinder the removal or plowing of snow *or the sanding/ salting of streets* by the city, nor to permit the parking or leaving of a vehicle parked in violation of any other section of this chapter including declarations of snow emergencies by the Public Works Director.

(E) No signage shall be required for overnight winter parking.

(F) The area bounded on the south side by and including Pleasant Street; on the north by and including Mechanic Street; on the west by and including Canal Street; and on the east by and including Franklin Street is hereby exempted from the provisions of odd and even parking as provided in subsections (A), (B) and (C) above.

§ 71.14 IMPOUNDMENT.

(A) Any vehicle parked in violation of the terms of this chapter may be subject to removal and impoundment. Removal, impounding and return of the vehicle shall be handled in the same manner as set forth in § 70.70 et seq., which is incorporated herein by reference.

(B) A precondition to the release of a towed vehicle shall be the payment by the party seeking the release of said vehicle of all fees and charges incurred by the city and/or the towing company in the towing and storage of said vehicle. The vehicle shall not be released until the person requesting it presents satisfactory evidence of his/her right to possession and signs a receipt upon receiving the vehicle.

7

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

§ 71.99 PENALTY.

(A) Each such owner or operator of a vehicle who violates any provision of this chapter or Chapter 73, Parking Schedules, may, within seven days of the time when such notice was attached to such vehicle pay to the Parking Violations Bureau in person or by mail, for and in full satisfaction of such violation, the sum of \$25.

(B) Failure to make such payment within seven days following a violation shall result in a minimum fine of \$50 and may subject the owner or operator of the motor vehicle to an appearance in district court and a fine of not more than \$100 upon conviction thereof.

III. This ordinance shall take effect upon its passage.



**City of Manchester
Office of the City Solicitor**

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6523 Fax (603) 624-6528
TTY: 1-800-735-2964
Email: solicitor@ci.manchester.nh.us

8
Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
Kenneth R. Bernard
Michele A. Battaglia
Marc van Zanten

February 11, 2005

Leo Bernier, Clerk
Committee on Bills on Second Reading
One City Hall Plaza
Manchester, New Hampshire 03101

RE: Proposed Noise Ordinance

Dear Leo:

I have enclosed a copy of the proposed noise ordinance. As the ordinance is complicated and lengthy I would appreciate it if you could distribute copies to the members of the Committee so that they will have the opportunity to review the ordinance prior to their next meeting.

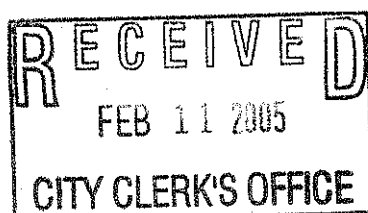
Thank you for your assistance.

Very truly yours,

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

enclosure



8

8/17/04 -
Handoff -
Tabled to have
Police, Solicitor,
City Clerk +
Eric Sawyer meet
to combine current
noise ordinance +
draft revision +
bring back
to Committee.
01-24-05 Remained
tabled

"Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations."

Chapter 94: Noise Regulations

Section

General Provisions

- 94.01 Purpose
- 94.02 Scope
- 94.03 Definitions
- 94.04 Enforcement
- 94.05 Measurements
- 94.06 Submission of Fees

Minimum Standards

- 94.10 Noise Levels
- 94.11 Exemptions
- 94.20 Motor Vehicles

License Requirements

- 94.30 Noise Activities; Permit Required
- 92.31 Permit Fees

8

Administration and Enforcement

- 94.40 Noise Variance Board
- 94.41 Application Fees
- 94.42 Application Procedures
- 94.43 Prohibited Conduct
- 94.44 Penalties

Statutory reference:

Authority of city to regulate noise, see R.S.A. 47:17 II & XV.

GENERAL PROVISIONS

§ 94.01 PURPOSE.

It is the policy of the Board of Mayor and Aldermen of the City of Manchester to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of Manchester through the reduction, control and prevention of noise. It is the intent of this ordinance to establish standards that will eliminate and reduce unnecessary environmental noise throughout the community which may be physically harmful or otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

§ 94.02 SCOPE.

This ordinance shall only apply to noise originating within the city limits of the City of Manchester, NH that is traveling in the atmosphere or environment. This ordinance shall apply to all bodies of water within the city limits of the City of Manchester, irrespectively if they flow through or are contained partially or entirely within the city limits.

§ 94.03 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT SOUND LEVEL. The A-weighted sound level of all sound associated with a given environment, exceeded ninety percent (90%) of the time measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

ANSI. The American National Standards Institute.

ANSI S SERIES STANDARDS. Those ANSI standards relevant to sound, acoustics, shock, vibration and bioacoustics.

A-WEIGHTED SOUND PRESSURE. The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.

8

COMMERCIAL POWER EQUIPMENT. Any equipment or device rated at more than five horsepower and used for building repairs or property maintenance excluding snow removal equipment.

COMMERCIAL PREMISES. Any land parcel with buildings where the use of less than fifty percent (50%) of the gross floor area meets the definition of residential premises. Includes locations of various scale operating as retail, automotive use, restaurant, governmental, financial, entertainment and cultural and shopping centers as identified pursuant to the Manchester Zoning Ordinance.

CONSTRUCTION EQUIPMENT. Any device or mechanical apparatus operated by fuel, electric, or pneumatic power in the excavation, construction, repair, or demolition of any building, structure, land parcel, street, alley, waterway, or appurtenance thereto.

DECIBEL. A logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is dB.

DOMESTIC POWER EQUIPMENT. Any equipment or device rated at five (5) horsepower or less and used for building repairs or grounds maintenance excluding snow removal equipment.

EMERGENCY VEHICLE. An authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency, during a police activity or which is required by state or federal regulations (i.e., reverse alarms).

EMERGENCY WORK. An activity made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to imminent danger. It includes work by private or public entities for providing or restoring immediately necessary service as well as all situations deemed necessary by the city.

EMERGENCY POWER GENERATOR. The equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by the service provider.

GROSS FLOOR AREA. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

INDUSTRIAL PREMISES. Any premise where the production of goods, materials or knowledge takes place. May include locations for manufacturing, warehousing, research and development, distribution or other selected offices as identified pursuant to the Manchester Zoning Ordinance.

MOTOR VEHICLE. Any vehicle that is self-propelled, used primarily for transporting persons or property upon public roadways and required to be licensed according to motor vehicle registration laws. The term motor vehicle shall not include: aircraft, watercraft, motor vehicles

operated on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business such as forklifts, and pallet movers.

NOISE. Any sound that exceeds the standards set forth in this chapter, annoys or disturbs a reasonable person of normal sensibilities, or causes or tends to cause any adverse psychological or physiological effect on humans.

NOISE VARIANCE. Specific relief from the terms of this chapter as granted by the Noise Variance Board.

PERSON. An individual, corporation, partnership, association, organization or similar entity.

PREMISES. Any building, structure, land, utility or portion thereof, including all appurtenances, and shall also include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.

PROPERTY LINE. The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person. The vertical and horizontal boundaries of a dwelling unit in a multi-dwelling unit building, condominium, or townhouse complex shall not be considered property lines separating one (1) property from another.

PUBLIC PREMISES. All real property including appurtenances thereon which is owned or controlled by any governmental entity and shall include streets, alleys, parks and waterways.

RECEPTOR PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A which is receiving noise emitted from the source premises after crossing one or more property lines. Also referred to as the receiving premise.

RESIDENTIAL PREMISES. Any premises where single or multiple dwelling units exist and shall include primary schools, churches, nursing homes and similar institutional facilities including any commercial premises where the use of more than fifty percent (50%) of the gross floor area meets this definition of residential premise.

SOUND. An oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

SOUND LEVEL METER. An apparatus for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4 entitled Specification for Sound Level Meters.

SOUND PRESSURE LEVEL. Twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} Newtons/meter²) and is expressed in decibels (dB).

8

SOURCE PREMISES. The premises (residential, commercial, industrial, or public) as listed in Table A that is emitting noise that is crossing one or more property lines and impacting the receptor premises.

SNOW REMOVAL EQUIPMENT. Any equipment used for removing snow from land or building surfaces and shall include snowplows, snow blowers, snow sweepers, and snow shovels.

TABLE A. The reference table contained in § 94.10 of this chapter that details the maximum allowable noise levels for all premises in the City of Manchester, including a time of day allowance. Measurements of noise levels are made at the property line of the receiving premises.

TABLE B. The reference table contained in § 94.20 of this chapter that details the maximum allowable noise levels for all motor vehicles operating in the City of Manchester during any time of the day or night. Measurements of noise levels are made twenty-five (25) feet from the source motor vehicle.

TREE MAINTENANCE EQUIPMENT. Any equipment used in trimming or removing trees only and shall not be limited to chainsaws, chippers and stump removers.

§ 94.04 ENFORCEMENT.

The Chief of Police or his designee shall have and exercise the power to enforce the provisions of this title. Licenses or permits issued pursuant to this title shall also be enforced by a designee of the Office of the City Clerk. Enforcement shall include entering areas of public access or operation, free of charge, to ensure compliance and issuance of citations for any violations with penalties to be assessed as provided in §94.44 of this title.

§ 94.05 MEASUREMENTS.

For the purposes of this ordinance, the measurement of all physical parameters or entities associated with acoustics, sound, noise, or vibration shall comply with the most recent S series standards of ANSI, American National Standards Institute, Standards for Sound, Acoustics, Shock and Vibration, Bioacoustics. Furthermore, all physical parameters, or entities determined or calculated from such measurements relevant to acoustics, shock, vibration or bioacoustics shall be determined or calculated in accordance to the most recent S series standards of ANSI where so applicable.

§94.06 SUBMISSION OF FEES.

Fees for permits, applications and licenses shall be submitted with the applications under this chapter and shall be considered nonrefundable.

8

MINIMUM STANDARDS

§ 94.10 NOISE LEVELS.

Noise levels shall be measured at any point along the property line or within the property line of the receiving premises to determine compliance of the source. When it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the ambient sound level is the standard which cannot be exceeded by the source. The following table identifies allowable noise levels within various areas throughout the City:

TABLE A

Maximum Allowable Noise Levels (in dBA) with Time of Day Allowance

Source Premises	Receptor Premises							
	Residential		Commercial		Industrial		Public	
	7am- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am	7am-- 10pm	10pm-- 7am
Residential	55	50	65	60	80	75	75	70
Commercial	55 [60]	50 [60]	65	60	80	75	75	70
Industrial	55 [65]	50 [65]	65	60	80	75	75	70
Public	55 [60]	50 [60]	65	60	80	75	75	70
Body of Water	55	50	65	60	80	75	75	70
<i>(The numbers in brackets are the allowable limits that comply with § 94.11 (N) Exemptions.)</i>								

§ 94.11 EXEMPTIONS.

The maximum permissible sound pressure levels as specified in Table A shall not apply to sounds emitted from:

- (A) Any bell or chime from any building clock, school or church, not including any amplified bell or chime sounds emitted from loudspeakers.
- (B) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in case of fire, collision, civil defense, police activity or imminent danger.
- (C) Any aircraft in flight subject to federal law regarding noise control.
- (D) Any ground-based aircraft activity including testing or engine run-up noise.
- (E) Any motor vehicles designed for and operated on public streets, alleys, highways or freeways that are regulated by Table B.

8

(F) Any tree maintenance equipment operated upon a residential, commercial, industrial or public premises provided that operation of tree maintenance equipment between the hours of 9:00 p.m. and 7:00 a.m. shall not exceed the maximum noise levels as specified in Table A.

(G) Any construction equipment or activities in compliance with § 94.43 (F) of this ordinance.

(H) Any domestic power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty (80) dBA when measured at the property line of the receiving premise.

(I) Any commercial power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving premise.

(J) The musical instruments of any school marching band while performing at any sporting event or marching band competition, and the musical instruments of any school marching band practicing on school grounds between the hours of 9:00 a.m. and 8:00 p.m. that do not exceed sixty-five (65) dBA when measured at the property line of the receiving residential premise.

(K) Following a snowstorm, snow removal equipment operated on any premises between the hours of 5:00 a.m. and 10:00 p.m. provided that such equipment does not exceed the sound pressure limits for commercial power equipment (eighty-eight (88) dBA) or domestic power equipment (eighty (80) dBA) when measured at the property line of the receiving premise.

(L) Any power generator providing emergency electrical power at any hospital, health clinic, nursing home or similar facility where the loss of electrical power creates an immediate risk to the health, safety or welfare of any person, or at any premises where such equipment is required by the Manchester Fire Department. Additionally, the noise emitted during the routine testing of emergency electrical power generators shall not exceed eighty-eight (88) dBA when measured at the property line of the receiving premise. Routine testing shall not exceed one (1) hour in any one-week period, or two (2) hours in any six-week period and shall be confined to the hours of 10:00 a.m. to 4:00 p.m. or as otherwise approved.

(M) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when the zoning of the receiving residential premises does not allow residential use (residential use is nonconforming). However, in such a situation, the noise emitted by the industrial, commercial, or public premises shall not exceed the standards for receiving industrial premises.

(N) Any industrial, commercial, or public premises exceeding the standards of Table A at a receiving residential premises when such industrial, commercial, or public premises and their emitted noise level were in existence prior to the existence of the residential premises, provided however that the existing industrial premises does not exceed sixty-five (65) dBA and the commercial premises do not exceed sixty (60) dBA when measured at the receiving residential premises.

8

(O) Any water craft or noise emanating from or on a body of water between the hours of 7:00 a.m. and 10:00 p.m. provided that such noise does not exceed a sound pressure level of eighty-eight (88) dBA when measured at the property line of the receiving property and further provided that between 10:00 p.m. and 7:00 a.m. such equipment does not exceed the maximum sound pressure levels as specified in Table A.

§ 94.20 MOTOR VEHICLES.

All noise levels from motor vehicles shall be measured at twenty-five (25) feet from the source vehicle to determine compliance. The standards in Table B shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion.

TABLE B

Maximum Allowable Noise Levels for Motor Vehicles

Type of Vehicle	Time Period	Maximum Allowable Sound Pressure Level measured in dBA	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight	At any time	80	25 feet

LICENSE REQUIREMENTS

§ 94.30 NOISE ACTIVITIES; PERMIT REQUIRED.

(A) No person shall conduct an event where noise activities will be present without obtaining a license issued by the Office of the City Clerk. A permit, hereinafter referred to as a noise permit, is required for activities including:

- (1) The artificial amplification of sound or speech above sixty (60) dBA. This includes, but not limited to, parades, concerts, circuses, public rallies, political speeches, or religious services that use amplified sound.
- (2) Any fireworks or pyrotechnique display.
- (3) The display, competition and exhibition of mechanical contrivances than can be expected to produce noise in excess of sixty (60) dBA.

8

(B) The following general guidelines may be considered in the issuance of a noise permit. These guidelines are not all inclusive as other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of the events noise upon the community:

- (1) The City may request the applicant to submit a Community Noise Impact Assessment analysis prior to the issuance of a noise permit. This analysis shall conform to the ANSI S series standards for such work.
- (2) To permit the City to evaluate the community impact of a series of similar events at the same location, the City may request the applicant to construct a soundscape during the first event. This shall be in accordance with ANSI S series standards to be submitted to the City for evaluation of the impact upon the community, to make recommendations or establish parameters to reduce the adverse impact to the community of subsequent events.
- (3) In granting a license, the Office of the City Clerk may impose such conditions or stipulations, as it deems necessary and proper to preserve the intent of this chapter.
- (4) Should an application for a noise permit be denied, the applicant can appeal the decision to the Noise Variance Board.

§ 94.31 PERMIT FEES.

Each application for a noise permit pursuant to section shall include an application fee of seventy-five dollars (\$75.00) cash, money order or bank check made payable to the City of Manchester.

ADMINISTRATION AND ENFORCEMENT

§ 94.40 NOISE VARIANCE BOARD.

It is recognized that in initiating community noise limits, any number of unanticipated situations may occur. Although the City is primarily concerned with protecting, preserving and promoting the health, safety, welfare and peace and quiet of the citizens of Manchester, the City realizes that there may be preexisting conditions that need an extended period of time to conform to the noise limits imposed by this ordinance. The City also recognizes that events or incidents can occur where there was every good faith expectation of complying with the noise limits imposed by this ordinance, but for some unforeseen circumstance, those events or incidents failed to comply.

This section hereby establishes a Noise Variance Board in which members shall approve or deny variances to this chapter, hereinafter referred to as a noise variance. The board shall consist of five (5) members and up to five (5) alternates. All members shall be appointed by the Mayor and

8

subject to confirmation by the Board of Mayor and Aldermen for three (3) year terms. Members shall serve for the term for which they are appointed and until a successor has been qualified and appointed. Two members to serve for a period of three (3) years, two members to serve for a period of two (2) years, one member to serve for a period of one (1) year. Alternates shall be appointed for three (3) year terms. Beginning with the first appointment made due to expiration of term members shall be appointed to serve for a period of three (3) years. Each member shall be a resident of the City of Manchester. At least one member of the board shall include a mechanical or civil engineer with formal training or experience in the field of acoustical engineering, sound abatement, acoustical measurements, environmental acoustics or expertise in a similar field. Alternate members shall perform the duties and responsibilities of a regular member when a regular member is absent or disqualified from consideration of a particular application.

The Noise Variance Board shall, on an annual basis, elect a chairman from among its members. The Board shall adopt and periodically amend rules of procedure for the conduct of business. Guidelines shall be established for the collection and maintenance of evidentiary material as to the disposition of noise variances as may be required by the City Solicitor.

§ 94.41 APPLICATION FEES.

Each application for a variance shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00). Fees may be submitted in cash, money order or bank check made payable to the City of Manchester.

§ 94.42 APPLICATION PROCEDURES.

Applications must be submitted to the Office of the City Clerk. General guidelines may be considered in the issuance of a noise variance. These guidelines are not all inclusive and other criteria may be established that is reasonable and prudent to protect the public or limit the anticipated detrimental impact of noise upon the community. The guidelines are as follows:

(A) It is the preference of the City that variances are granted prior to or in anticipation of an event.

(B) The City reserves the right to grant a variance after the fact if it is deemed by the Noise Variance Board to be in the public good, if the Board believes that an honest, fair and reasonable attempt was made to comply with the noise limits imposed by this ordinance, or the failure to comply was due to some unforeseen circumstance.

8

(C) A variance for the continuation of a non-complying activity may be granted after a reasonable attempt was made to comply and may contain such stipulations as the Board may deem necessary to protect the public that may include, but is not limited to:

1. Regulation of times;
2. The erection of noise barriers, shielding or other noise abatement; and
3. A demonstration of compliance progress.

(D) The applicant bears the burden of presenting evidence sufficient to allow the Noise Variance Board to reach conclusions and make findings to support the authorization of a variance.

(E) The Board may require a public hearing on a certain matter to permit abutting landowners to present written or oral testimony for consideration of granting or denying a variance.

(F) The Board may request review and recommendations from various City departments including the Building Commissioner, Public Health Director, Director of Planning, Chief of Police, City Clerk or their designees. Testimony of department representatives may be requested at a variance hearing.

(G) Final decisions shall be made available within seventy-two (72) hours after a vote on an application. A written decision will be mailed to the applicant with copies made available to the departments of Health, Police and City Clerk.

(H) In granting a variance, the Board may impose such conditions or stipulations as it deems necessary and proper in order to preserve the intent of this chapter.

(I) All decisions by the Noise Variance Board are final and may not be appealed to any other municipal board, committee or commission.

(J) As community noise is a public health concern, noise variances shall only be granted for a reasonable period of time, not more than two (2) years.

(K) The renewal of a variance after two (2) years requires the consent of the Board of Mayor and Aldermen.

(L) Variances shall not be granted for continued or sustained violations that may be physically injurious to one or more persons as determined by the Public Health Director.

(M) Once an application has been denied by the Noise Variance Board, the same application may only be considered if the Board finds that the application is materially different in nature and degree from the prior application.

8

§ 94.43 PROHIBITED CONDUCT.

The following conduct is prohibited:

(A) Provide any false or inaccurate information to any City board, committee, commission or any employee of the City of Manchester, in an attempt to deceive or otherwise avoid compliance with this ordinance.

(B) Hinder, obstruct, delay, resist, interfere, or attempt to interfere with any authorized person while in the performance of their duties under this ordinance.

(C) Emit or cause to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table A.

(D) Emit or cause to be emitted any noise within the public premises in excess of the limits defined in Table A.

(E) Conduct an event that includes noise activities in the City of Manchester without obtaining a license from the Office of the City Clerk pursuant to § 94.30.

(F) Operate any construction equipment or conduct any construction activities between the hours of 9:00 p.m. and 7:00 a.m. that exceed the noise limits of Table A. The City may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic if completed during daytime hours.

(G) Operate any trash compacting mechanism on any motor vehicle or premises, or engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such activity takes place on any premises adjacent to a residential premises.

(H) Operate or permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the noise limits for the category of motor vehicle and for the designated time period as specified in Table B.

(I) Sound any horn or other audible signal device of an automobile, motorcycle, streetcar, or other vehicle unless it is necessary as a warning to prevent or avoid a traffic accident or reasonably inform or warn of a vehicle presence.

(J) Modify or change the exhaust muffler, air intake muffler or any other sound reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in Table B of § 94.20.

8

§ 94.44 PENALTIES.

(A) Any person, firm or corporation who violates any provision of this Chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a penalty provided under Section 38.06 (B) of the Code of Ordinances.

(B) If the court finds for the City, the City shall recover its costs of suit including reasonable expert fees, attorney fees and necessary investigation costs.